



PATENT  
Docket No.: 176/60930 (2-11150-984)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : David P. Biss, Thomas G. Brown, and  
Kathleen S. Youngworth  
Serial No. : 09/759,913  
Cnfrm. No. : 2814  
Filed : January 12, 2001  
For : AN APPARATUS FOR PRODUCTION OF  
INHOMOGENEOUSLY POLARIZED  
OPTICAL BEAMS FOR USE IN  
ILLUMINATION AND A METHOD  
THEREOF

Examiner:  
R.D. Shafer  
Art Unit:  
2872

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Shang  
10/10/03

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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated May 20, 2003, Applicants hereby provisionally elect the species of FIG. 1 within Invention II for a microscope and a method for microscopic scanning as set forth in claims 62-66 and claims 77-81, respectively, with traverse.

The Office has withdrawn the prior restriction requirements and has issued a new restriction requirement restricting claims 1-87 into Invention I containing claims 1-61 and drawn to an apparatus and method for producing an inhomogeneously polarized optical beam from a homogeneously polarized input optical beam, classified in class 359, subclass 495, and Invention II containing claims 62-87 and drawn to a microscope and a method for microscopic scanning, classified in class 359, subclass 368. The Office asserts that Inventions I and II are related to each other as a sub-combination and combination, respectively, and that Inventions I and II have acquired a separate status in the art as shown

by their different search classifications. Further, the Office asserts that each of Inventions I and II contain claims directed to patentably distinct species of the claimed inventions corresponding to FIGS. 1, 2 and 3.

Applicant respectfully directs the Office's attention to M.P.E.P. § 803, which provides "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits ..." The Office notes that class 359, subclass 368 must be searched for claims 62-66 and 77-81 belonging to Invention II. Applicants submits, however, that any search which must be conducted in class 359, subclass 368 in connection with the examination of claims 62-66 and 77-81 would also allow the Office to examine claims 1-9 and 19-32 from Invention I without imposing any undue burden upon the Office since claims 1-9, 62-66, 19-32 and 77-81 all read on the disclosed species illustrated by FIG. 1. Accordingly, the Office is requested to reconsider the outstanding Restriction Requirement and examine claims 1-9, 19-32, 62-66 and 77-81 together.

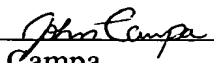
Additionally, Applicants respectfully request the Office to consider rejoining claims 67-76 and 82-87 from Invention II, which read on the unelected species of polarization converters depicted by FIGS. 2 and 3, upon the determination that claims 62 and 77 are allowable. The Office is also requested to rejoin claims 1-61 from Invention I which read on the unelected species of polarization converters depicted by FIGS. 1, 2, and 3 upon the determination that claims 62 and 77 are allowable.

Applicants believe the above-identified application is in condition for allowance, and such allowance is earnestly solicited.

Respectfully submitted,

Date: June 18, 2003

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2872



<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/759,913
		Filing Date	January 12, 2001
		First Named Inventor	David P. Biss
		Group Art Unit	2872
		Examiner Name	R.D. Shafer
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ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="text-align: center;"><b>RESPONSE TO RESTRICTION REQUIREMENT</b></p>
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
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Signature	<i>John Campa</i>
Date	June 18, 2003

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